

From: Craig Pennington
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
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Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. Firstly, I would like to note that I believe that all of the problems noted in Dan Kegel's analysis, which can be found at <http://www.kegel.com/remedy/remedy2.html>, are flaws so severe as to make the proposed settlement unacceptable. Particularly, I would like to object to the practices which would still be allowed toward OEMs.

The proposed settlement allows Microsoft to penalize OEMs who ship a Personal Computer with no operating system or one competing operating system. That is, under section III.A of the proposed settlement, Microsoft is prohibited from penalizing OEMs who ship a PC with a Microsoft operating system and another operating system, or who ship a PC with multiple non-Microsoft operating systems but does not prohibit Microsoft from penalizing OEMs who ship a PC with one competing OS or no OS at all. This has the indirect effect of penalizing consumers like me, who obtain install media for other OSES from other sources who would like to buy a PC without paying for an OS that I will not use. It also penalizes consumers like my employer who purchase Intel based computers with one non-Microsoft operating system pre-installed. I do not object to Microsoft rewarding those OEMs who sell a lot of Microsoft products, but I do object to Microsoft being allowed to penalize OEMs who choose to also sell hardware without a Microsoft product installed.

Until this and the other flaws noted by Dan Kegel are corrected, I oppose the settlement.

Sincerely,
Craig Pennington

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Corollary to Clarke's Third Law:

Any technology distinguishable from magic is insufficiently advanced.